THE BLOOMFIELD CITIZEN

SATURDAY, JANUARY 21, 1888.

The Dow Law.

The publication of the Dow Liquo Law of Ohio in THE CITIZEN three weeks ago has excited so much interest among temperance workers, politicians and citizens generally, that we again present it to the notice of our readers in another column. In the effectiveness of this law we have great confidence. It meets the needs of our State, and the requirements of public opinion, as none of the other proposed methods can do.

To prohibitory laws, whether suc laws are imbedded in the constitution or not, there is serious objection. Theoretically, of course, their operation would seem to be perfect. The selling of liquor becomes a crime; to be punished with heavy penalties, including a fine, imprisonment and confiscation of goods. But the difficulties of the enforcement of such laws practically annul them; at least, in large cities.

In 1882, the Ohio Legislature, in order to prevent the sale of liquor upon Sunday, passed a very stringent law, inflicting fine and imprisonment upon those who should break it. In the city of Cincinnsti a Sabbath Committee was formed and \$5,000 was raised to secure its enforcement. De tectives were employed, able counsel were retained, hundreds of arrests were made, but after thorough trial it was found impossible to convict those who had broken the law. It is easily seen that a failure to prevent Sunday liquor selling necessarily implies a failure to prevent selling the other six days of the week.

The apparent success of prohibition in Kansas and in Maine is made the basis of the arguments of prohibitionists everywhere. Yet in Kansas there are no cities of over 30,000 inhabitants and in Maine no city having over 50,000 inhabitants, and only 4 cities having a popolation of between 10,000 and 40,000. Moreover in both Maine and Kansas much liquor is sold despite the rigid prohibitory laws. In the former State there were in the year 1880 a total of 832 dealers in liquors as returned by the United States internal revenue officers. In 1883 there were 1162, an increase of Nor can it be claimed that these are all druggists who sell liquors only on physician's prescriptions and for medical purposes, as the friends of the law only claim that there are 200 druggists, leaving 962 illegal retailers. As to Kansas it is of course impossible to state the amount of liquor illegally sold, but from Cowley County, having a population of a little over 250,000, with Winfield as its county seat, we have this statement of the result the first month under a prohibitory law. It is taken from the Winfield Courier of Thursday, May 14, 1885. That paper is one of the ablest advo cates of prohibition, and one of the most influential papers in the State. After giving in detail the official records of prescriptions filled by the druggists of Arkansas City, a town in Cowley County of 2,500 inhabitants, it says: "Thus it seems to take 4 bar rels of whiskey and nearly 600 bottles of beer to keep the city canals, boomers and ineligible councilmen in good health for thirty days." The Winfield record for the same period is as fol lows: "Sales 662; pints whiskey 618, bottles beer 239." Of the celebration of the Fourth of July 1885 in Arkansas City, the same paper says: "The sickest lot of humanity ever gathered together in Cowley County graced Arkansas City Saturday. By night about 1,000 men were almost overcome by medicine. * * * Medi. cine flowed in some places with appalling boldness. The cooler (the jail) and a dozen or so extra buildings were chock full-of men." If such is the result of prohibition in a town of 2,500 inhabitants in Kansas, what might be expected with similar laws in the large cities of New Jersey?

The same arguments which apply to prohibition apply to local option laws, which are local forms of prohibition. Besides making the sale of liquor a political question to be continually brought up for discission at the polls, such laws relieve the country places from responsibility for the proper restriction of the liquor-traffic in the cities where the fight for decency and order is a thousand times more hot than in any small town or village. Moreover the lines of townships are so near that there will be no difficulty in supplying "dry" townships from the wet ones near by.

There is then no relief to be had except in a high license law or in some method of taxation. To any form of license there will always be an objection; for what is license! It is permission to a few to engage in a business, with prohibition to the many It is the legal organization of a traffic which many abhor.

that of taxation. The law assumes that the traffic is legal, standing in the same relation that every other legitimate business does, but held responsible for the evil it creates. Nor is this simply license under another form. The Supreme Court of the United States in the "license tax cases". has with great force of reasoning and clearness of statement, shown the fal lacy of such charges against this legislative principle. Chief Justice Marshall has said: "The power to tax is the power to destroy." Again Chief Justice Cooley of the Supreme Court of Michigan, speaking of a similar law

says: "This State has never shown any disinclination to make things mor ally and legally wrong, contribute to the public revenue, when justice and good morals seem to require it. If it were to act upon the idea of refusing to derive a revenue from such sources, it ought to decline to receive fines for criminal offenses, with the same emphasis that it would refuse to collect a tax from an obnoxious business. If the tax is laid by way of discouragement or regulation, it has the same general object in view with the fine not only as it affects the person taxed and the community, but also in the use to which the money is devoted. Yet the constitution expressly provides for a library fund to be derived from the violations of the public laws, a provision that may as legitimately be said to be a license of 'crime as a tax on a traffic may be said to be a license of the traffic." Again, he says: "The idea that the State lends its countenance to any particular traffic by taxing it, seems to rest upon a very transpar ent fallacy. Taxes are not favors; they

are burdens. They may be carried to an extent that will be ruinous. It would be a remarkable proposition that a traffic is sanctioned and countenanced, when this burden which may prove disastrous, is placed upon it. The Supreme Court of Ohio has also neld such charges to be untrue. In its decision on the Scott law, it said "The burden is imposed on a business injurious to the public welfare." This taxation then is not a license It is not a brand of crime, nor the grant of authority to a few. It places

the burden upon the thing, and in order to enforce the burden, it makes the tax a burden or lien on the premises in which the business is done, and resorts to the summary remedy of distraint to confiscate the liquor when the tax is not paid. The power to in crease the burden or tax being unlim ited, we have here a powerful method of restraining the liquor traffic. In 1883 the legislature of Ohio enacted the Scott law, which was similar in character to the Dow law now in force. "Without one dollar of expense, by the operation of the taxing principle, and without a single arrest, or jury trial, or conviction, sileutly, like all the other beneficent forces in their opera tion, without friction, it closed the doors of 5,000 drinking places in the State of Ohio, and it put in the treas-

ury \$2,000,000." There is another feature of the taxatton principle. It does not brand anybody a criminal and therefore does not array against it the combined traffic; for it operates upon the principle of the survival of the fittest. It divides the traffic. The man who can pay \$1,000 wants it \$1,000 so that he can shut up the man who can pay only \$500. Moreover, the more intelligent users of liquor are favorable to it; for it closes up the low groggeries and places a large sum of money in the treasury. It is said that 90 per cent of the Germans of Hamilton County (Cincinnati) are loyal to the principle of the Dow law.

It may therefore be said for this method of regulating the traffic in liquor, that it is, in a moderate measure, practicable, efficient, selfacting; free from the manipulation of courts and juries, free from favoritism, profitable to the State and a good political move for the party that shall ut it into operation. Nor is there any constitutional provision which will prevent its application to New Jersey. The people demand immediate action upon this important question. This measure is the final outcome of more than 4 years agitation in Ohio. Experience unerringly points to it as the best method of restraining the liquor traffic yet devised. As such, we commend it most earnestly to the favorable consideration of our fellow-citizens and of their representatives at Tren-

Comments by the Press on THE CIT IZEN'S advocacy of the Dow Law for New Jersey.

Cincinnati Commercial Gazette, Jan. 11, 1888. "We observe that the success of the Dow law in Ohio is beginning to attract attention in New Jersey, where public sentiment is strongly in favor of some action by the present Legislature for the restriction of the liquor traffic.

"The Prohibitionist vote in New Jersey, as we have heretofore shown, was larger proportionately in the election of 1886 than in any other State in the Union. Last November The true principle, we believe, is it fell off notably, partly on account

of the forcible manner in which Mr. William Walter Phelps and his friends presented the issue as between pro tection and free trade and partly because of a growing belief that the Republican leaders in the State would now at last proceed to deal with the liquor question fairly, openly and on

"As everybody knows who has watched New Jersey politics, the size f the Prohibitionist vote in that State epresents something more than the demand for out and out prohibition. Thousands of Republicans and not a ew Democrats have temporarily oined the third party solely in order express their disgust with the cow ardly inaction of the managers of the old organizations. It is a practicable system of repression that they want, not a visionary scheme of total sup-

"For this reason it is interesting to find so able and conservative a Repubican newspaper as the BLOOMFIELD CITIZEN declaring outright for the adoption in New Jersey of the principle underlying the Scott and Dow laws 'as the most practicable way of limiting the evils of the saloon in New Jersey' The Cirizen prints the enire text of the Dow law, and gives an intelligent account of its actual workings. It reports to the more temperate friends of temperance in New Jersey that in Ohio the Dow law, 'instead of uniting in opposition every saloon-keepers and moderate drinker, has the support of large numbers of the more intelligent users of intoxicatimg beverages, and is practicable in ts application to large cities as well the rural districts.

"The Republicans control the present Legislature in New Jersey, and will be mainly responsible for any ac tion that may be taken this year with regard to the restriction of the liquor traffic. Nevertheless, the interest of the Democratic party in the matter is not less direct and vital. The immediate effect of the passage of the high license law in Pennsylvania was to re duce the third party Prohibitionist vote nearly one-half."—N. Y. Sun.

The Dow law is the best law in the country for the regulation of the liquor traffic, and is extremely distasteful to those who have been making their living out of temperance politics, because it is a restraint and immense ly useful.

There are few who comprehend how many difficulties have been overcome in the Dow law, and how admirable it is just as it stands. The frenzy of the professional third party prohibitory demagogues about the Dow law is something diabolical. It has a powerful tendency to spoil their occupa-

We distinguish between these men, the mercenaries of the cold-water army, and the honest Prohibitionists who think the way to reform is through placing patches on the Constitution which are expected to en force themselves.

The Dow law should not be med dled with. It should stand as it isconstitutional and accepted by the people. It should be allowed undisturbed to grow into the habits of the people-and placed where no Democratic Court would dare to slip around and hamstring it.

This is not saying there may not be some further regulation of the liquor

We would not feel that there was ground upon which could be successfully opposed the local option of townships. Perhaps the same police regulation that extends over the municipalities could by a separate act, be permitted the townships. This, if found constitutional, would give local sovereignty fair play.

But shall there be no change in the tax rate? The people who are by custom loudest on the temperance reform proceedings are crying for an increase and the uniformity of the Dow law tax. What shall we do with them !

We are in favor of the maintenance of the discrimination in favor of those who sell malt and spirituous liquors only, but would insist that those who pay the \$100 fax shall not practically have the privilege for which the \$200

Then it might be well to place upon municipalities the responsibility of raising the tax on saloons, fixing the Dow law rate as the minimum, and some other moderate figure as the maximum, and letting it alone if they

It is not necessary to do anything. The Dow law works exceedingly well as it is, and gains ground in the publie confidence and conscience continually, but if anything is to be done, it should be considered with the greatest care.

And this should be taken into consideration-that the old third-party agitators, the gangsters who aid the Democratic party for revenue only, and the other gangsters who aid it through native cussedness simply. will go in a gang by themselves no matter what the Republicans may do.

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